

**BEHAVIORAL HEALTH SERVICES AMENDMENTS**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Michael S. Kennedy**

House Sponsor: Stewart E. Barlow

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**LONG TITLE****Committee Note:**

The Health and Human Services Interim Committee recommended this bill.

Legislative Vote: 15 voting for 0 voting against 3 absent

**General Description:**

This bill addresses behavioral health treatment and services.

**Highlighted Provisions:**

This bill:

- defines terms;
- requires the Department of Health to:
  - award a grant to a local mental health authority to implement or expand an integrated behavioral health program;
  - develop a proposal to allow the state Medicaid program to reimburse a local mental health authority for ~~§~~→ [behavioral] physical ←~~§~~ health services in an integrated behavioral health care setting ~~§~~→ [at an increased rate] ←~~§~~ ; and
- apply for a waiver under the state Medicaid plan to implement the proposal;
- allows a certain medication-assistance treatment drug to be recycled under the Charitable Prescription Drug Recycling Act, subject to federal law;
- creates a sunset date;
- creates reporting requirements; and
- makes technical and conforming changes.



**Money Appropriated in this Bill:**

This bill appropriates in fiscal year 2023:

▸ to Department of Health ~~§→~~ **and Human Services** ~~←§~~ -- ~~§→~~ [~~Family Health and Preparedness~~] **Integrated Health Care Services -- Medicaid Behavioral Health Services** ~~←§~~ , as

a one-time

appropriation:

- from General Fund, One-time, \$200,000.

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**58-17b-902**, as last amended by Laws of Utah 2021, Chapter 397

**58-17b-905**, as last amended by Laws of Utah 2021, Chapter 397

**63I-1-226**, as last amended by Laws of Utah 2021, Chapters 13, 50, 64, 163, 182, 234, and 417

ENACTS:

**26-1-43**, Utah Code Annotated 1953

**26-18-427**, Utah Code Annotated 1953

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **26-1-43** is enacted to read:

**26-1-43. Integrated behavioral health care grant program.**

(1) As used in this section:

(a) "Integrated behavioral health care services" means coordinated physical and behavioral health care services for one patient.

(b) "Local mental health authority" means a local mental health authority described in Section 17-43-301.

(c) "Project" means a project described in Subsection (2).

(2) Before July 1, 2022, the department shall issue a request for proposals in accordance with this section to award a grant to a local mental health authority for development or expansion of a project to provide effective delivery of integrated behavioral health care services.

(3) To be considered for a grant award under Subsection (2), a local mental health

health care services under each project;

(b) data gathered in relation to each project; and

(c) recommendations for expanding a project statewide.

Section 2. Section **26-18-427** is enacted to read:

**26-18-427. Medicaid waiver for increased integrated health care reimbursement.**

(1) As used in this section:

(a) "Local mental health authority" means a local mental health authority described in Section 17-43-301.

(b) "Integrated health care setting" means a health care or behavioral health care setting that provides integrated physical and behavioral health care services.

(2) The department shall develop a proposal to allow the state Medicaid program to reimburse a local mental health authority for covered ~~§~~→ [behavioral] physical ~~←~~§ health care services provided in an integrated health care setting ~~§~~→ [at an increased capitation rate within the state Medicaid program] to Medicaid eligible individuals ~~←~~§ .

(3) Before December 31, 2022, the department shall apply for a Medicaid waiver or a state plan amendment with CMS to implement the proposal described in Subsection (2).

(4) If the waiver or state plan amendment described in Subsection (3) is approved, the department shall:

(a) implement the proposal described in Subsection (2); and

(b) while the waiver or state plan amendment is in effect, submit a report to the Health and Human Services Interim Committee each year before November 30 detailing:

(i) the number of patients served under the waiver or state plan amendment;

(ii) the cost of the waiver or state plan amendment; and

(iii) any benefits of the waiver or state plan amendment.

Section 3. Section **58-17b-902** is amended to read:

**58-17b-902. Definitions.**

As used in this part:

(1) "Assisted living facility" means the same as that term is defined in Section 26-21-2.

(2) "Cancer drug" means a drug that controls or kills neoplastic cells and includes a drug used in chemotherapy to destroy cancer cells.

(3) "Charitable clinic" means a charitable nonprofit corporation that:

245 [(20)] (21) Title 26, Chapter 36c, Medicaid Expansion Hospital Assessment Act, is  
 246 repealed July 1, 2024.

247 [(21)] (22) Title 26, Chapter 36d, Hospital Provider Assessment Act, is repealed July  
 248 1, 2024.

249 [(22)] (23) Section 26-39-201, which creates the Residential Child Care Licensing  
 250 Advisory Committee, is repealed July 1, 2024.

251 [(23)] (24) Section 26-40-104, which creates the Utah Children's Health Insurance  
 252 Program Advisory Council, is repealed July 1, 2025.

253 [(24)] (25) Section 26-50-202, which creates the Traumatic Brain Injury Advisory  
 254 Committee, is repealed July 1, 2025.

255 [(25)] (26) Title 26, Chapter 54, Spinal Cord and Brain Injury Rehabilitation Fund and  
 256 Pediatric Neuro-Rehabilitation Fund, is repealed January 1, 2025.

257 [(26)] (27) Title 26, Chapter 63, Nurse Home Visiting Pay-for-Success Program, is  
 258 repealed July 1, 2026.

259 [(27)] (28) Title 26, Chapter 66, Early Childhood Utah Advisory Council, is repealed  
 260 July 1, 2026.

261 [(28)] (29) Title 26, Chapter 68, COVID-19 Vaccine Restrictions Act, is repealed July  
 262 1, 2024.

#### 263 Section 6. **Appropriation.**

264 The following sums of money are appropriated for the fiscal year beginning July 1,  
 265 2022, and ending June 30, 2023. These are additions to amounts previously appropriated for  
 266 fiscal year 2023. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures  
 267 Act, the Legislature appropriates the following sums of money from the funds or accounts  
 268 indicated for the use and support of the government of the state of Utah.

#### 269 ITEM 1

270 To \$→ [~~Department of Health -- Family Health and Preparedness~~] **Department of Health**  
 270a **and Human Services -- Integrated Health Care Services** ←\$

271 From General Fund, One-time \$200,000

#### 272 Schedule of Programs:

273 \$→ [~~Integrated Behavioral Health Care Grant~~] **Medicaid Behavioral**  
 273a **Health Services** ←\$ \$200,000

274 The Legislature intends that \$→ [~~the Department of Health use~~] ←\$ the appropriations  
 274a provided

275 under this item \$→ be used ←\$ to award grants under the Integrated Behavioral Health Care  
 275a Grant Program